

DATE FILED: 4/18/08

(ECF)

LEAD CASE: 04 Civ. 7922 (RJS) (JCF)
DOCKET IN CASES LISTED BELOW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UDO DRESCHER, et al.,	:	05 Civ. 7541 (RJS) (JCF)
SARAH COBURN, et al.,	:	05 Civ. 7623 (RJS) (JCF)
JEFFREY PHILLIPS, et al.,	:	05 Civ. 7624 (RJS) (JCF)
EMILY SLOAN, et al.,	:	05 Civ. 7668 (RJS) (JCF)
SANDRA GALITZER, et al.,	:	05 Civ. 7669 (RJS) (JCF)
BETTY BASTIDAS, et al.,	:	05 Civ. 7670 (RJS) (JCF)
RANDY XU, et al.,	:	05 Civ. 7672 (RJS) (JCF)
NIKOLIS SIKELIANOS, et al.,	:	05 Civ. 7673 (RJS) (JCF)
STEPHEN JUSICK, et al.,	:	07 Civ. 7683 (RJS) (JCF)
THEO RIGBY, et al.,	:	07 Civ. 7751 (RJS) (JCF)
ELIJAH MANDERS, et al.,	:	07 Civ. 7752 (RJS) (JCF)

Plaintiffs,

O R D E R

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Plaintiffs having moved by letter dated January 22, 2008 to compel discovery and for other relief, it is hereby ORDERED as follows:

1. Defendants are precluded from presenting at trial any documentation concerning a Certificate of Occupancy or application for such a certificate for Pier 57 during the RNC.

2. Plaintiffs' request for videotapes of protests by the Policemen's Benevolent Association is denied, as such material is irrelevant.

3. Plaintiffs' request for CCRB and disciplinary files for

4. By May 16, 2008 defendants shall produce the requested additional information concerning the fingerprinting of plaintiffs.

5. By May 16, 2008, defendants shall produce the requested thermal image videotapes or, if they have already all been produced, shall identify them by bates number.

6. Defendants shall be limited at trial to relying on those documents that they have produced to date concerning NYPD policies or practices concerning the press during the RNC.

7. Absent detailed documentation showing that a deposition would pose a threat to the health of Police Officer Wang, he shall appear for deposition by May 16, 2008 on a date agreed upon by counsel. Accommodations shall be made for his medical condition.

8. By May 16, 2008, defendants shall produce the CCRB/IAB files for Lieutenant Daniel Albano.

9. Lieutenant Albano, Police Officer Jason Angevine, Police Officer Vincent Fortunato, Inspector Thomas Galati, and Lieutenant Joseph Maher do not recall which videotapes they reviewed prior to their depositions, and therefore no further inquiry on that issue is appropriate.

10. By May 16, 2008, Officer Angevine, Officer Baity, Officer Fortunato, Police Officer Russell John, Police Officer Keri Mitchell, Sergeant Raymond Ng, and Police Officer Kegham Jarjokian shall produce any polaroids taken of plaintiffs; they need not produce polaroids of non-plaintiff arrestees.

11. By May 16, 2008, defendants shall produce the requested

Cordero and Police Officer Marc Stasi. The fact that the complaints at issue post-date the RNC does not make them irrelevant. To the extent that the CCRB records for other defendants are substantially irrelevant, they need not be produced.

14. Defendants have already produced Officer Cordero's memo book, and there has been no showing that it was improperly redacted.

15. Plaintiffs' requests with respect to Captain Joseph Dowling are denied as moot; there is no need for a privilege log where material is redacted as irrelevant.

16. Plaintiffs have not established the significance of any of the requested property clerk invoices.

17. Defendants need not produce the requested memo book entries of Officers Fernandez and Wong.

18. Plaintiffs' request for "all documents concerning the NYPD's use of Pier 57 during the period of the "[RNC]" is overbroad, and defendants need not respond further.

19. By May 16, 2008, Connie Fishman shall produce the requested appointment diary.

20. By May 16, 2008, defendants shall produce any missing DA data sheets received from the New York County District Attorney.

21. Plaintiffs' request for the medical records of Police Officer Ray Gonzalez and other defendants for the period following the RNC is overbroad and need not be responded to further.

22. By May 16, 2008, defendants shall produce the requested

23. By May 16, 2008, defendants shall produce the requested transcript of trial testimony of Lieutenant Maher.

24. By May 16, 2008, defendants shall produce the requested Online Booking Sheets in the possession of Ruby Martin-Jones.

25. By May 16, 2008, defendants shall produce the IAB investigation files concerning the arrest of Gwynn Galitzer.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
April 18, 2008

Copies mailed this date:

Jeffrey A. Rothman, Esq.
315 Broadway, Suite 200
New York, New York 10007

Fred M. Weiler, Esq.
Special Assistant Corporation Counsel
City of New York Law Department
100 Church Street
New York, New York 10007